

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on January 16, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzonried (D)

##### **Members Excused:**

Sen. Carol C. Juneau (D)  
Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 164, 1/11/2007; SB 169,  
1/11/2007; SB 193, 1/11/2007  
Executive Action: SB 169, SB 164, SB 133, SB 109, SB  
141, SB 86, SB 87

**HEARING ON SB 164**

**Opening Statement by Sponsor:**

00:01:21 **SEN. STEVEN GALLUS (D), SD 37**, opened the hearing on **SB 164**, Clarify role of counsel and guardian ad litem to prevent conflict of interest.

**Proponents:**

00:02:58 Ed Sheehy, Jr., Regional Public Defender

00:04:30 Beth Brenneman, Montana Advocacy Program

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:06:17 Pam Bucy, Assistant Attorney General, Department of Justice (DOJ)

**Closing by Sponsor:**

00:07:04 Sen. Gallus

00:08:10 Sen. Laslovich relinquished Chair to Sen. McGee

**HEARING ON SB 169**

**Opening Statement by Sponsor:**

00:08:17 **SEN. JESSE LASLOVICH (D), SD 43**, opened the hearing on **SB 169**, Adjust local government basic entitlement share for public defender costs.

**Proponents:**

00:10:24 Pam Bucy, Department of Justice

00:11:24 Linda Stoll, Missoula County

00:11:45 Ron Alles, Lewis & Clark County

00:12:21 Sen. McGee relinquished chair to Sen. Moss

00:12:44 Sen. McGee

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:15:16 Sen. O'Neil to Sen. Laslovich

00:16:04 Sen. Laslovich deferred to Sen. McGee

**Closing by Sponsor:**

00:18:09 Sen. Laslovich

**HEARING ON SB 193**

**Opening Statement by Sponsor:**

00:19:31 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 193, Increase time to file petition to remove child from home.

**Proponents:**

00:24:48 Jim Smith, Montana County Attorneys Association

**Opponents:** None.

**Informational Testimony:**

00:28:01 Shirley Brown, Administrator, Child Health Services, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

00:30:59 Sen. Shockley to Shirley Brown

00:34:08 Sen. O'Neil to Shirley Brown

00:38:38 Sen. McGee to Shirley Brown

00:44:41 Sen. Perry to Shirley Brown

**Closing by Sponsor:**

00:56:53 Sen. Laslovich

00:57:46 Break

01:17:21 Resume

**EXECUTIVE ACTION ON SB 169**

01:17:30 Sen. Laslovich

01:18:07 **Motion/Vote:** SEN. MOSS moved that SB 169 DO PASS.  
Motion carried unanimously by voice vote. SEN. JENT and  
SEN. JUNEAU voted aye by proxy.

**EXECUTIVE ACTION ON SB 164**

01:24:06 **Motion/Vote:** SEN. MCGEE moved that SB 164 DO PASS.  
Motion carried unanimously by voice vote. SEN. JENT and  
SEN. JUNEAU voted aye by proxy.

**Discussion:**

01:26:26 Sen. McGee

01:27:14 Sen. Shockley

**EXECUTIVE ACTION ON SB 133**

01:28:59 **Motion:** SEN. MOSS moved that SB 133 DO PASS.

**Discussion:**

[EXHIBIT\(jus10a01\)](#)

[EXHIBIT\(jus10a02\)](#)

01:30:25 **Motion:** SEN. MOSS moved that SB013301.AVL BE ADOPTED.

**Discussion:**

01:31:00 Valencia Lane, LSD

01:33:32 **Motion/Vote:** SEN. MOSS moved that AMENDMENT #SB013301.  
AVL BE ADOPTED. Motion carried unanimously by voice  
vote.

01:36:53 Motion: SEN. MCGEE moved that SB 133 DO PASS AS AMENDED.

01:38:12 Motion/Vote: SEN. MCGEE moved that SB013302.AVL BE ADOPTED. Motion carried unanimously by voice vote. SEN. JUNEAU and SEN. JENT voted aye by proxy.

01:39:21 Vote: Motion that SB 133 DO PASS AS AMENDED carried 10-1 by voice vote with SEN. O'NEIL voting no. SEN. JENT and SEN. JUNEAU voted aye by proxy.

EXECUTIVE ACTION ON SB 109

01:40:00 Motion: SEN. MOSS moved that SB 109 DO PASS.

Discussion:

01:41:56 Sen. Shockley

01:42:09 Motion: SEN. O'NEIL moved that AMENDMENT SB010901.AVL, SECTION 1 BE ADOPTED.

Discussion:

01:45:15 Substitute Motion/Vote: SEN. MCGEE made a substitute motion that SB 109 BE TABLED. Substitute motion failed 8-3 by roll call vote. SEN. SHOCKLEY, SEN. O'NEIL, SEN. LASLOVICH voted aye.

[EXHIBIT\(jus10a03\)](#)

[EXHIBIT\(jus10a04\)](#)

01:47:01 Discussion:

01:55:51 Motion/Vote: SEN. O'NEIL moved that SB010902.AVL BE ADOPTED. Motion carried unanimously by roll call vote.

01:56:47 Motion: SEN. O'NEIL moved that SB 109 DO PASS AS AMENDED.

01:58:00 Discussion:

02:03:11 Motion/Vote: SEN. MCGEE moved that SB 109 BE TABLED. Motion carried 9-2 by roll call vote with SEN. O'NEIL and SEN. SHOCKLEY voting no.

**EXECUTIVE ACTION ON SB 141**

02:06:48 **Motion:** SEN. LASLOVICH moved that SB 141 DO PASS.

**Discussion:**

02:18:57 **Vote:** Motion that SB 141 DO PASS carried unanimously by voice vote. SEN. JUNEAU and SEN. WANZENRIED voted aye by proxy.

02:19:00 Break

02:29:24 Resume

**EXECUTIVE ACTION ON SB 86**

02:38:43 **Motion:** SEN. MCGEE moved that SB 86 DO PASS.

**Discussion:**

02:39:43 Sen. Wanzenried

02:40:02 Sen. O'Neil

02:40:26 Sen. Laslovich

02:40:55 **Motion/Vote:** SEN. LASLOVICH CALLED THE QUESTION ON SB 86. Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye. SEN. JUNEAU voted no by proxy.

02:42:00 **Motion/Vote:** SEN. LASLOVICH moved that SB 86 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED.

**EXECUTIVE ACTION ON SB 87**

02:42:26 **Motion:** SEN. MCGEE moved that SB 87 DO PASS.

**Discussion:**

02:55:05 Sen. McGee

02:58:45 **Vote:** Motion that SB 87 DO PASS failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

02:59:53 Motion/Vote: SEN. LASLOVICH moved that SB 87 BE  
TABLED AND THE VOTE REVERSED. MOTION CARRIED.

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus10aad.pdf](#))**